

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ASHLEY DIXON,

Plaintiff,

v.

OFFICER JOHN DOE 1, OFFICER
JOHN DOE 2, POLICE CHIEF
ERIKA SHIELDS, and the CITY OF
ATLANTA,

Defendants.

CIVIL ACTION FILE
NO. 1:22-cv-02209-SEG

CITY OF ATLANTA'S INITIAL DISCLOSURES

(1) If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.

RESPONSE: Defendant is properly identified in Plaintiff's Amended Complaint.

(2) Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If

defendant contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.

RESPONSE: Defendant does not contend that there are any necessary parties not currently named and knows of no question of misjoinder.

(3) Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading.

RESPONSE: Defendant City of Atlanta denies that it or its officers, employees, or officials has violated any of Plaintiff's rights under the United States Constitution, Georgia law, and any other provision of law and denies that it is in any way otherwise liable to Plaintiff for the relief sought in Plaintiff's Complaint or any Amended Complaint. Defendant states that Plaintiff can establish no policy or custom of the Defendant's that led to her complained-of injuries. Defendant further states that discovery is ongoing and expects to establish more facts in support of his defenses.

(4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.

RESPONSE: Defendant refers to the following authority.

The 14th Amendment to the U.S. Constitution and interpretive case law;

42 U.S.C. § 1983 and interpretive case law;

42 U.S.C. § 1988 and caselaw regarding Plaintiff's claims for attorney's fees;
Monell v. New York Department of Social Services, 436 U.S. 658 (1978) and
progeny;

Horton v. City of St. Augustine, Fla., 272 F.3d 1318 (11th Cir. 2001) and
progeny;

Harris v. Mexican Specialty Foods, Inc., 564 F.3d 1301 (11th Cir. 2009) and
progeny;

Parker v. Scrap Metal Processors, Inc., 468 F.3d 733 (11th Cir. 2006) and
progeny.

This list of authorities is not exclusive or exhaustive, and Defendant reserves
the right to supplement his response as appropriate.

**(5) Provide the name and, if known, the address and telephone number
of each individual likely to have discoverable information that you may use to
support your claims or defenses, unless solely for impeachment, identifying the
subjects of the information. (Attach witness list to Initial Disclosures as
Attachment A.)**

RESPONSE: See Attachment A. Defendant states that discovery is ongoing
and reserves the right to supplement this response as appropriate.

(6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed. R. Civ. P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Initial Disclosures as Attachment B.)

RESPONSE: See Attachment B. Defendant states that discovery is ongoing and reserves the right to supplement this response as appropriate.

(7) Provide a copy of, or description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

RESPONSE: See Attachment C. Defendant states that discovery is ongoing and reserves the right to supplement this response as appropriate.

(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based,

including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed. R .Civ. P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D).

RESPONSE: Not applicable, except that Defendant may seek its costs and attorney's fees incurred in this action and will supplement this response as appropriate.

(9) If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.

RESPONSE: Defendant does not maintain that anyone is liable to Plaintiff but reserves the right to supplement this response as information becomes available.

(10) Attach for inspection and copying as under Fed. R. Vic. P. 34 any insurance agreement under which any person carryon on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

RESPONSE: Defendant states that it is self-insured.

Respectfully submitted this 19th day of October, 2022.

HALL BOOTH SMITH, P.C.

/s/ Jacob Stalvey O'Neal

R. DAVID WARE

Georgia Bar No. 737756

PHILIP E. FRIDUSS

Georgia Bar No. 277220

JACOB STALVEY O'NEAL

Georgia Bar No. 877316

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ATTACHMENT A

1. Plaintiff Gabriel Arries, who may be contacted through his counsel of record;
2. Defendant City of Atlanta, who may be contacted through its counsel of record;
3. Defendant Erika Shields, who may be contacted through her counsel of record;
4. Defendant John Does, who have yet to be identified;
5. Plaintiff's medical providers;
6. Any individual identified or referenced during discovery or at any time during this civil action;
7. Any individual identified or referenced by the Parties in their Initial Disclosures;

The witnesses identified herein have, upon information and belief, general knowledge of Plaintiff's claims, alleged injuries, alleged damages, and/or internal investigations concerning the events alleged in the Complaint.

This list is not exhaustive and may be supplemented where appropriate as information becomes available.

ATTACHMENT B

Defendant has not identified any expert witnesses at this time. If any expert is so identified, Defendant will supplement this response as appropriate.

ATTACHMENT C

1. All documents exchanged or referenced during discovery or at any time during this civil action;
2. All documents listed by the Parties in their Initial Disclosures;
3. Plaintiff's criminal records; and
4. Plaintiff's medical records.

Defendant will supplement this response as appropriate.

Respectfully submitted this 19th day of October, 2022.

HALL BOOTH SMITH, P.C.

/s/ Jacob Stalvey O'Neal

R. DAVID WARE

Georgia Bar No. 737756

PHILIP E. FRIDUSS

Georgia Bar No. 277220

JACOB STALVEY O'NEAL

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **Defendant City of Atlanta's Initial Disclosures** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

Amith Gupta, Esq.
American Trial Law Litigators, LLC
925B Peachtree Street NE
No. 2151
Atlanta, GA 30309
amithrgupta+law@gmail.com

Respectfully submitted this 19th day of October, 2022.

HALL BOOTH SMITH, P.C.

/s/ Jacob Stalvey O'Neal

R. DAVID WARE

Georgia Bar No. 737756

PHILIP E. FRIDUSS

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